

THE HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

**COMPENDIUM OF CLASS
MEMBER DECLARATIONS IN
SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

Plaintiff Richard A. Geier, individually and on behalf of all others similarly situated,
respectfully submits the following declarations in support of his Motion for Class Certification:

EXHIBIT NO.	DECLARATION
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EXHIBIT NO.	DECLARATION
7.	[REDACTED]
8.	[REDACTED]
9.	[REDACTED]
10.	[REDACTED]
11.	[REDACTED]
12.	[REDACTED]
13.	[REDACTED]
14.	[REDACTED]
15.	[REDACTED]
16.	[REDACTED]
17.	[REDACTED]
18.	[REDACTED]
19.	[REDACTED]
20.	[REDACTED]
21.	[REDACTED]
22.	[REDACTED]
23.	[REDACTED]
24.	[REDACTED]
25.	[REDACTED]
26.	[REDACTED]
27.	[REDACTED]
28.	[REDACTED]
29.	[REDACTED]

EXHIBIT NO.	DECLARATION
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EXHIBIT NO.	DECLARATION
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EXHIBIT No.	DECLARATION
122.	[REDACTED]
123.	[REDACTED]
124.	[REDACTED]
125.	[REDACTED]
126.	[REDACTED]
127.	[REDACTED]
128.	[REDACTED]
129.	[REDACTED]

RESPECTFULLY SUBMITTED AND DATED this 16th day of October, 2014.

TERRELL MARSHALL DAUDT & WILLIE PLLC

By: /s/ Toby J. Marshall, WSBA #32726

Toby J. Marshall, WSBA #32726

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Chronicle Building, Suite 680

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Spokane, Washington 99201

Telephone: (509) 455-3966

Facsimile: (509) 455-3906

Attorneys for Plaintiff

1 CERTIFICATE OF SERVICE

2 I, Toby J. Marshall, hereby certify that on October 16, 2014, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the following:

5 Stephen M. Rummage, WSBA #11168
6 E-mail: steverummage@dwt.com
7 DAVIS WRIGHT TREMAINE LLP
8 1201 Third Avenue, Suite 2200
9 Seattle, Washington 98101-3045
Telephone: (206) 622-3150
Facsimile: (206) 757-7700

10 Alan D. Sege, *Admitted Pro Hac Vice*
11 Email: alan.sege@mobilemessenger.com
12 6601 Center Drive West Suite 700
Los Angeles, California 90045
Telephone: (310) 957-3301

13 *Attorneys for Defendants M-Qube, Inc., and Mobile Messenger Americas, Inc.*

14 Colin G. Prince, WSBA #43166
15 E-mail: colinprince@dwt.com
16 DAVIS WRIGHT TREMAINE LLP
17 1201 Third Avenue Suite 2200
Seattle, WA 98101-3045
Telephone: (206) 622-3150
Facsimile: (206) 757-7700

18 *Attorneys for Mobile Messenger Americas, Inc., d/b/a Mobile Messenger*

19 DATED this 16th day of October, 2014.

20 TERRELL MARSHALL DAUDT
21 & WILLIE PLLC

22 By: /s/ Toby J. Marshall, WSBA #32726
23 Toby J. Marshall, WSBA #32726
24 Email: tmarshall@tmdwlaw.com
25 936 North 34th Street, Suite 300
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26 Telephone: (206) 816-6603
Facsimile: (206) 350-3528

27 *Attorneys for Plaintiff*

EXHIBIT 1

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]
[REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Lynwood, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 *Americas, Inc., have listed my cellphone number as one of the numbers on which they placed*
3 *charges for third-party goods or services.*

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 8 day of October, 2014 at Lynwood, Washington.
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EXHIBIT 2

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]
[REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Burien, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger Americas, Inc., have listed my cellphone number as one of the numbers on which they placed charges for third-party goods or services.

6. Any such charges were unauthorized.

I declare under penalty of perjury under the laws of the United States that *the foregoing*
is true and correct.

Executed this 24 day of September, 2014 at Burien, Washington.

DECLARATION OF [REDACTED] - 2
CASE No. 2:13-cv-00354 TSZ

TERRELL MARSHALL DAUDT & WILLIE PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL 206.816.6603 • FAX 206.350.3528
www.tmdwlaw.com

EXHIBIT 3

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]
[REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Tenino, Washington. I have
personal knowledge of the facts set forth in this declaration.

2. Since 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons. In fact, it is my practice not to subscribe to such services.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 15 day of October, 2014 at Tenino, Washington.

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EXHIBIT 4

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED] state as follows:

1. I am over 18 years old and reside in Wenatchee, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be place on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED]
No. 2:13-cv-00354 TSZ

1

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have listed my cellphone number as one of the numbers on which they placed charges for third-party goods or services.

6. Any such charges were unauthorized.

I declare under penalty of perjury under the laws of the United States and the state of Washington that the foregoing is true and correct.

EXECUTED this 12 day of September, 2014.

(Signature)

EXHIBIT 5

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Airway Heights, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED]: 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have listed my cellphone number as one of the numbers on which they placed charges for third-party goods or services.

6. Any such charges were unauthorized.

I declare under penalty of perjury under the laws of the United States and the state of Washington that the foregoing is true and correct.

EXECUTED this 14 day of September, 2014.

DECLARATION OF [REDACTED]: 2
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

EXHIBIT 6

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED] state as follows:

1. I am over 18 years old and reside in Zillah, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have listed my cellphone number as one of the numbers on which they placed charges for third-party

1 goods or services.

2 5. Any such charges were unauthorized.

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4 I declare under penalty of perjury under the laws of the United States and the state of
5 Washington that the foregoing is true and correct.

6 EXECUTED this 17 day of September, 2014.

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
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18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]

EXHIBIT 7

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Olympia, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
the bill relating to my cell phone number for third-party goods or services, including ringtones,
text alerts, wallpaper, reverse auction games, or coupons. In fact, it is my practice not to
subscribe to such services.

4. Until recently, I was unaware that such charges could be placed on the bill
relating to my cell phone number.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 14 day of October, 2014 at Olympia, Washington.

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EXHIBIT 8

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Seattle, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons. In fact, it is my practice not to subscribe to such services.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 14th day of October, 2014 at Seattle, Washington.

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EXHIBIT 9

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Bellingham, Washington. I have personal knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. In March 2012, I identified unauthorized third-party charges on my cellphone bill.

1 5. On or about March 19, 2012, I contacted T-Mobile, my wireless carrier, and
2 alerted the representative to the unauthorized third-party charges on my bill. The T-Mobile
3 representative informed me that they would immediately unsubscribe me from the unauthorized
4 third-party service.

5 6. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
6 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
7 charges for third-party goods or services. As noted above, those charges were unauthorized.

8 I declare under penalty of perjury under the laws of the United States that the foregoing
9 is true and correct.

10 Executed this 11th day of October, 2014 at Bellingham, Washington.



EXHIBIT 10

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Richland, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED]: 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.

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6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this _____ day of ~~September~~, 2014.

9 6th

 October 2014

10 [REDACTED]
11 (Signature)
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EXHIBIT 11

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Cashmere, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED]: 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.
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6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 10 day of October, 2014.
9



EXHIBIT 12

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED] state as follows:

1. I am over 18 years old and reside in Spokane, WA. I have personal knowledge of
the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on my
cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse
auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

DECLARATION OF [REDACTED] : 1
No. 2:13-cv-00354 TSZ

5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have listed my cellphone number as one of the numbers on which they placed charges for third-party goods or services.

6. Any such charges were unauthorized.

I declare under penalty of perjury under the laws of the United States and the state of Washington that the foregoing is true and correct.

EXECUTED this 29th day of September, 2014.

(Signature)

EXHIBIT 13

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]
[REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Kent, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January of 2006, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 11 day of October, 2014 at Kent, Washington.
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[REDACTED]

EXHIBIT 14

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in San Diego, California. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 26th day of September, 2014 at San Diego, California.

8 

EXHIBIT 15

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Burbank, WA . I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be place on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED] : 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have listed my cellphone number as one of the numbers on which they placed charges for third-party goods or services.

6. Any such charges were unauthorized.

I declare under penalty of perjury under the laws of the United States and the state of Washington that the foregoing is true and correct.

EXECUTED this 10 day of September, 2014.

DECLARATION OF
No. 2:13-cv-00354 TSZ

EXHIBIT 16

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Edmonds, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. From approximately January of 2010 to January of 2011, my cellphone number
was [REDACTED]

3. To the best of my recollection, I never authorized charges to be placed on my
cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. In March 2010, I added \$20.00 of credit to my Virgin Mobile cellphone account.
The very next day, a Virgin representative informed me that I had only a few cents of credit in

1 my account. When I asked what happened to the funds I had just added, the representative said
2 that Mobile Messenger had made two charges of \$9.99 for some monthly subscription. I never
3 authorized Mobile Messenger to do this, so I called the company to have the charge removed.
4 The company claimed that I signed up for text message subscription while taking an IQ test
5 online and refused to give me a refund. I know for a fact that the charges were unauthorized.
6 At the time, I did not even know how to use text messages.

7 5. On March 18, 2010, I filed a complaint with the Washington State Attorney
8 General's Office regarding Mobile Messenger's unfair and deceptive actions. Attached hereto
9 as Exhibit 1 is true and correct copy of the complaint I filed with the Washington State
10 Attorney General's Office.

11 6. Shortly after the Washington State Attorney General's Office contacted Mobile
12 Messenger regarding my complaint, Mobile Messenger gave me a refund for two months of
13 charges. Though I was happy to get the refund, I am still upset that Mobile Messenger charged
14 my cellphone account without my authorization.

15 I declare under penalty of perjury under the laws of the United States that the foregoing
16 is true and correct.

17 Executed this 30th day of October, 2014 at Redmond, Washington.





EXHIBIT 1

Catalyst Complaint Cover Page

361669

Complaint

Number	361669	Status	Closed
Date	3/18/2010	Assignee	Hatcher, Sandra M
Location	Seattle - Consumer Protection Division	Actual Savings	\$0.00
NAICS	990000-Unclassified Establishments	Amount Disputed	\$19.98
		Estimated Savings	\$19.98

Complainant

<u>Name</u>	<u>Phone Day</u>	<u>Phone Evening</u>	<u>Email</u>
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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Respondent(s)

<u>Name</u>	<u>Contact</u>	<u>Phone</u>	<u>Toll Free</u>	<u>Email</u>
Mobile Messenger 10 High Street Ste 610 Boston, MA 02111	Alan Sage	(310) 957-3300 Ext:5104	(800) 416-6129	regulatoryaffairs@sms-helpdesk.com
Tattoo Media dba My Luv Crush General Counsel 10 High Street Ste 610 Boston, MA 02111	Cliff Schneider	(800) 416-6129	(800) 235-7105	regulatoryaffairs@sms-helpdesk.com;

Referral(s)

<u>Name</u>	<u>Contact</u>	<u>Phone Contact</u>	<u>Phone</u>	<u>Email</u>
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Practice(s)

<u>Code</u>	<u>Practice</u>
060	Unauthorized Debit

Activities

<u>Date Added</u>	<u>Activity Type</u>	<u>Activity</u>
3/23/2010	Email to Complainant	C First Letter to Consumer To: [REDACTED]
3/23/2010	Email to Respondent	R First Letter to Respondent To: regulatoryaffairs@sms-helpdesk.com

361669

1 of 2

<u>Date Added</u>	<u>Activity Type</u>	<u>Activity</u>
3/23/2010	Email to Respondent	R First Letter to Respondent To: regulatoryaffairs@sms-helpdesk.com
3/23/2010	Email from Respondent	Auto Reply from Mobile Messenger
3/23/2010	Email from Complainant	
3/23/2010	Email to Complainant	Csup Closing Adjusted Compainant Notified Us To: [REDACTED]
3/23/2010	Resolution-CLOSED ADJUSTED	
3/23/2010	Email from Respondent	From Mobile Messenger see document 361669
3/29/2010	Email to Respondent	Rsup Closing Adjusted To: regulatoryaffairs@sms-helpdesk.com; regulatoryaffairs@sms-helpdesk.com
4/6/2010	Email from Complainant	

Catalyst Report

Complaint Description

Description

I have a cell phone with Virgin Mobile. I topped up my cell phone for \$20.00 the week of March 8th 2010. When I checked my balance the next day and found that I had 4 cents on my account. I called Virgin Mobile and told them that I just put \$20.00 on my account and it was gone except for 4 cents. The operator Lucy said that Mobile Messenger had taken \$9.99 ea for 2 months of subscription. I have never signed up for Mobile Messenger. I got the number (1-800-235-7105) for them and the code numbers (44999 and 89623) for the charges and called the service. They said that in Oct of 2008 I took an IQ test and apparently signed up for the service. I barely remember taking an IQ test in 2008, but I do remember starting one and then cancelling it, because it was asking for personal information. I deleted my information and closed the window. I DID NOT SIGN UP FOR ANY SERVICE, I know that for a fact. This Mobile Messenger service stole \$19.98 from me and I want it back. What can I do? I first of all do not even know how to check messages, text messages, voice mail or most of those services that are free let alone that need paying for. All my cell phone is for emergencies and to call for information from the IRS when I'm doing taxes. I volunteer doing taxes through tce/vita sponsored by AARP. I want my money back. How do I get it?

C First Letter to Consumer To: [REDACTED]
Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
Consumer Protection Division
800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 464-6686

3/23/2010

[REDACTED]

RE: Mobile Messenger and Tattoo Media dba My Luv Crush
File #: 361669

Dear [REDACTED]

The complaint you submitted to our office has been assigned to me. I have provided a copy of your complaint to Mobile Messenger and Tattoo Media dba My Luv Crush and requested a response within 21 business days. I will notify you when the business responds to your complaint.

Our informal mediation service takes approximately 6-8 weeks. Your patience during this process is appreciated.

Our office brings lawsuits in the name of the State of Washington, rather than on behalf of private individuals. If the business does not respond or declines to adjust your complaint, this office cannot require it to do so. The Consumer Protection Act does not give us authority to act as your private attorney.

Our office obtains valuable information from individual consumer complaints. Your complaint will become part of our public record of this firm's business practices. We maintain complaint files of business practices that may be useful if enforcement action on behalf of the State is warranted in the future.

If the business does not respond or if your complaint is not resolved, we will inform you of alternatives if you wish to pursue this matter further. If you need to contact me, please have your file number 361669 available for reference.

Thank you for contacting our office.

SANDRA M. HATCHER
Program Specialist 2

361669

Consumer Protection Division
(206) 389-2743

361669

R First Letter to Respondent To: regulatoryaffairs@sms-helpdesk.com
Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
Consumer Protection Division
800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 464-6686

3/23/2010

Mobile Messenger
Attention: Alan Sage
10 High Street Ste 610
Boston, MA 02111

RE: [REDACTED]
File #: 361669

Dear Alan Sage:

Our office has received the enclosed complaint from [REDACTED] regarding your business.

We forward consumer complaints to businesses in order to afford the business an opportunity to respond. Many businesses have found this process to be beneficial. Complaints and responses received in our office are a matter of public record.

Our office informally mediates complaints as a service to consumers and businesses. We may not act as an advocate or private attorney for either party. However, complaints may indicate a pattern of unfair or deceptive trade practices warranting further attention by our office. Failure to respond to this complaint will be reflected in our public records, which are available to the public under the Public Records Act.

Our office requests you reply within 21 business days so that we may determine how to proceed in this matter. Please address your response to me and include our file number 361669.

Thank you for your attention to this matter.

SANDRA M. HATCHER
Program Specialist 2
Consumer Protection Division
(206) 389-2743

Enclosure

361669

COMPLAINT SUMMARY
Consumer Information

Name:

[REDACTED]

Address:

[REDACTED]

Day Phone:

[REDACTED]

Evening Phone:

E-mail Address:

[REDACTED]

Age Group (optional):
59+

Do you want the Attorney General's Office to send this business a copy of your complaint-

Yes

Names and addresses of any other complainants involved:

Business Information

Name of business that I am complaining about:
Mobile Messenger

Address:
10 High Street Ste 610
Boston, MA 02111

Phone:
(310) 957-3300

361669

Toll-Free:
(800) 416-6129

Fax:
(310) 496-2873

E-mail:
regulatoryaffairs@sms-helpdesk.com

Name of owner or manager (if known):

Names and addresses of any other businesses involved in your complaint:
Tattoo Media dba My Luv Crush
General Counsel
10 High Street Ste 610
Boston, MA 02111

Item or service purchased:

Cost of item or service:

Did you sign a contract-
No

Date of transaction:

Salesperson's name:
lucy

Was an advertisement involved-
No

Date and source of advertisement:

About Your Complaint

Have you complained to the business-
Yes

If YES, to whom (include position)-

361669

What response did you receive-

If you have not contacted the business, explain why:

Have you filed a complaint about this business with the Attorney General's Office before-
No

If yes, list the file number assigned to that complaint:

Have you contacted a private attorney-
No

If YES, identify the name and address of the attorney:

Is there a court or other legal proceeding pending-
No

If YES, please explain:

Explain your complaint in detail:

I have a cell phone with Virgin Mobile. I topped up my cell phone for \$20.00 the week of March 8th 2010. When I checked my balance the next day and found that I had 4 cents on my account. I called Virgin Mobile and told them that I just put \$20.00 on my account and it was gone except for 4 cents. The operator Lucy said that Mobile Messenger had taken \$9.99 ea for 2 months of subscription. I have never signed up for Mobile Messenger. I got the number (1-800-235-7105) for them and the code numbers (44999 and 89623) for the charges and called the service. They said that in Oct of 2008 I took an IQ test and apparently signed up for the service. I barely remember taking an IQ test in 2008, but I do remember starting one and then cancelling it, because it was asking for personal information. I deleted my information and closed the window. I DID NOT SIGN UP FOR ANY SERVICE, I know that for a fact. This Mobile Messenger service stole \$19.98 from me and I want it back. What can I do- I first of all do not even know how to check messages, text messages, voice mail or most of those services that are free let alone that need paying for. All my cell phone is for emergencies and to call for information from the IRS when I'm doing taxes. I volunteer doing taxes through tce/vita sponsored by AARP. I want my money back. How do I get it-

What do you think the business should do to resolve your complaint- (circle one)

RFD

Explain if you have circled 'Other':

SIGNATURE

I declare, under penalty of perjury under the laws of the State of Washington, that the information contained in this complaint is true and accurate, and that any documents attached are true and accurate copies of the originals.

361669

I understand that my complaint and the related documents will become a 'public record' and under state law can be subject to a public records disclosure request and thus be seen by other people.

Signature [REDACTED] Date March 17,2010

Received via the Internet

City and State where signed Edmonds, WA

361669

R First Letter to Respondent To: regulatoryaffairs@sms-helpdesk.com
Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
Consumer Protection Division
800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 464-6686

3/23/2010

Tattoo Media dba My Luv Crush
Attention: Cliff Schneider
General Counsel
10 High Street Ste 610
Boston, MA 02111

RE: [REDACTED]
File #: 361669

Dear Cliff Schneider:

Our office has received the enclosed complaint from [REDACTED] regarding your business.

We forward consumer complaints to businesses in order to afford the business an opportunity to respond. Many businesses have found this process to be beneficial. Complaints and responses received in our office are a matter of public record.

Our office informally mediates complaints as a service to consumers and businesses. We may not act as an advocate or private attorney for either party. However, complaints may indicate a pattern of unfair or deceptive trade practices warranting further attention by our office. Failure to respond to this complaint will be reflected in our public records, which are available to the public under the Public Records Act.

Our office requests you reply within 21 business days so that we may determine how to proceed in this matter. Please address your response to me and include our file number 361669.

Thank you for your attention to this matter.

SANDRA M. HATCHER
Program Specialist 2
Consumer Protection Division
(206) 389-2743

Enclosure

361669

COMPLAINT SUMMARY
Consumer Information

Name:

[REDACTED]

Address:

[REDACTED]

Day Phone:

[REDACTED]

Evening Phone:

E-mail Address:

[REDACTED]

Age Group (optional):
59+

Do you want the Attorney General's Office to send this business a copy of your complaint-

Yes

Names and addresses of any other complainants involved:

Business Information

Name of business that I am complaining about:
Mobile Messenger

Address:
10 High Street Ste 610
Boston, MA 02111

Phone:
(310) 957-3300

361669

Toll-Free:
(800) 416-6129

Fax:
(310) 496-2873

E-mail:
regulatoryaffairs@sms-helpdesk.com

Name of owner or manager (if known):

Names and addresses of any other businesses involved in your complaint:
Tattoo Media dba My Luv Crush
General Counsel
10 High Street Ste 610
Boston, MA 02111

Item or service purchased:

Cost of item or service:

Did you sign a contract-
No

Date of transaction:

Salesperson's name:
lucy

Was an advertisement involved-
No

Date and source of advertisement:

About Your Complaint

Have you complained to the business-
Yes

If YES, to whom (include position)-

361669

What response did you receive-

If you have not contacted the business, explain why:

Have you filed a complaint about this business with the Attorney General's Office before-
No

If yes, list the file number assigned to that complaint:

Have you contacted a private attorney-
No

If YES, identify the name and address of the attorney:

Is there a court or other legal proceeding pending-
No

If YES, please explain:

Explain your complaint in detail:

I have a cell phone with Virgin Mobile. I topped up my cell phone for \$20.00 the week of March 8th 2010. When I checked my balance the next day and found that I had 4 cents on my account. I called Virgin Mobile and told them that I just put \$20.00 on my account and it was gone except for 4 cents. The operator Lucy said that Mobile Messenger had taken \$9.99 ea for 2 months of subscription. I have never signed up for Mobile Messenger. I got the number (1-800-235-7105) for them and the code numbers (44999 and 89623) for the charges and called the service. They said that in Oct of 2008 I took an IQ test and apparently signed up for the service. I barely remember taking an IQ test in 2008, but I do remember starting one and then cancelling it, because it was asking for personal information. I deleted my information and closed the window. I DID NOT SIGN UP FOR ANY SERVICE, I know that for a fact. This Mobile Messenger service stole \$19.98 from me and I want it back. What can I do- I first of all do not even know how to check messages, text messages, voice mail or most of those services that are free let alone that need paying for. All my cell phone is for emergencies and to call for information from the Irs when I'm doing taxes. I volunteer doing taxes through tce/vita sponsored by AARP. I want my money back. How do I get it-

What do you think the business should do to resolve your complaint- (circle one)

RFD

Explain if you have circled 'Other':

SIGNATURE

I declare, under penalty of perjury under the laws of the State of Washington, that the information contained in this complaint is true and accurate, and that any documents attached are true and accurate copies of the originals.

361669

I understand that my complaint and the related documents will become a 'public record' and under state law can be subject to a public records disclosure request and thus be seen by other people.

Signature [REDACTED] March 17, 2010

Received via the Internet

City and State where signed Edmonds, WA

361669

From: Darcy Wedd [mailto:Darcy.Wedd@mobilemessenger.com]
Sent: Tuesday, March 23, 2010 10:54 AM
To: ATG MI Seattle CRC
Subject: Out of Office AutoReply: 361669 : A notice from the Washington State Attorney General's Office

Thank you for your email. I am currently out of the office attending CTIA.

If your matter is urgent please contact me on +1 702 340 3984 or michael.paj@mobilemessenger.com.

Regards,
Darcy

361669

From: [REDACTED] [mailto:[REDACTED]]

Sent: Tuesday, March 23, 2010 1:41 PM

To: ATG MI Seattle CRC

Subject: Re: 361669 : A notice from the Washington State Attorney General's Office

Dear Sandra,

I received a reply from a representative of Mobil Messenger today March 23, 2010. Her name is Latavia X4814 at 1-800-416-6129. She said I should expect a check in a couple weeks and apologized. Confirmation # 3622649.

Thank you very much for your help. I've decided Cell phones are not for me. I am canceling mine.

[REDACTED]
case # 361669

361669

Csup Closing Adjusted Complainant Notified Us To: [REDACTED]
Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
Consumer Protection Division
800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 464-6686

3/23/2010

[REDACTED]

RE: Mobile Messenger
File #: 361669

Dear [REDACTED]

Thank you for informing our office that your complaint against Mobile Messenger has been resolved to your satisfaction. Your complaint will remain as part of our public record of the firm's business practices.

We are happy to hear that our office was able to be of service to you.

SANDRA M. HATCHER
Program Specialist 2
Consumer Protection Division
(206) 389-2743

361669

-----Original Message-----

From: David.Yoon [mailto:David.Yoon@mobilemessenger.com]

Sent: Tuesday, March 23, 2010 3:30 PM

To: ATG MI Seattle CRC

Subject: RE: 361669 : A notice from the Washington State Attorney General's Office

Dear Sandra Hatcher,

Today, we contacted the customer and resolved the complaint. Please refer to the attached document for more details. We also mailed this attached letter to you via regular mail today. Thank you.

David Yoon

Director of Customer Care

MOBILEMESSENGER

6601 Center Drive West Suite 700
Los Angeles, CA 90045

Work: +1 310 957 3300 ext: 5177

Mobile: +1 310 709 0433

Fax: +1 310 496 2873

www.mobilemessenger.com

Mobile Messenger is the leading Mobile Solutions Provider, supplying its partners with cutting-edge technology and services that facilitate the marketing, distribution, and monetization of digital content to mobile devices. We provide strong, secure, and trusted connections to consumers, and offer comprehensive solutions supporting every step of your mobile business initiative. From creative, content management, and messaging connections, to payment processing and robust analysis that drive ROI, Mobile Messenger helps businesses build long-lasting, successful brands and mobile campaigns.

This communication, including any attachments, is confidential and intended solely for the named addressee. If you are not the intended recipient, please contact me immediately by reply email, delete it from your system and destroy any copies. This email is subject to copyright. No part of it should be reproduced, adapted or transmitted without the prior written consent of the copyright owner. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Mobile Messenger group companies.

361669

Rsup Closing Adjusted To: regulatoryaffairs@sms-helpdesk.com; regulatoryaffairs@sms-helpdesk.com

Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Consumer Protection Division

800 Fifth Avenue, Suite 2000 Seattle, WA 98104 (206) 464-6686

3/29/2010

Mobile Messenger

Attention: Alan Sage

10 High Street Ste 610

Boston, MA 02111

Tattoo Media dba My Luv Crush

Attention: Cliff Schneider

General Counsel

10 High Street Ste 610

Boston, MA 02111

RE: [REDACTED]

File #: 361669

Dear Alan Sage and Cliff Schneider:

Thank you for your recent communication informing our office of the resolution of the complaint from [REDACTED]

We appreciate your cooperation and assistance in this matter. The consumer has been informed of your response, and we have closed the complaint accordingly. Complaints and responses received in our office are a matter of public record.

SANDRA M. HATCHER

Program Specialist 2

Consumer Protection Division

(206) 389-2743

361669

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, April 05, 2010 2:21 PM
To: ATG MI Seattle CRC
Subject: case# 361669

Dear Sandra,
Just letting you know, I received my refund check today April 5, 2010.
I want to say Thank you for your assistants.

[REDACTED]
Case #361669

361669

March 23, 2010

Rob McKenna
Attorney General of Washington
Consumer Protection Division
800 Fifth Avenue Suite 2000
Seattle, WA 98104
(206) 464-6686



LOS ANGELES
6601 Center Drive W Suite 700
Los Angeles, CA 90045
P: + 1 310 957 3300
F: + 1 310 861 1140

Re: Consumer complaint by [REDACTED] File # 361669

[REDACTED]
[REDACTED]
[REDACTED]
Wireless number: [REDACTED]

Day phone number: [REDACTED]

Dear Sir/Madam:

Mobile Messenger is a premium text message service that is initiated through various websites. This is a multi step process that begins with the customer entering his/her mobile number into the website, when the number is submitted a PIN number is sent to their mobile handset. The customer must then enter the PIN number into the website and click on the terms and conditions. Once all steps are completed the customer is subscribed and sent a text message confirming subscription, informing the customer how to end services by simply texting the word "stop" to the short code provided, and charging the customer the fee that was approved upon checking the terms and condition box. Depending upon the service the customer is charged on a weekly or monthly basis until "stop" is submitted or the customer contacts us and asks to be unsubscribed.

Our records indicate that the premium text message service was initiated via mobile number [REDACTED] and its corresponding subscription charge was incurred accordingly on her wireless account as she stated on her complaint. Therefore, we contacted Ms. [REDACTED] today and issued a refund in the form of check for an amount of \$19.98, which will be delivered to the mailing address as shown on this response within the next 10-14 business days. Ms. [REDACTED] has been informed of this resolution and is satisfied with our call.

Should you have any questions or concerns, please feel free to contact me.

Kind Regards,

David Yoon

Director of Customer Care

Work: +1 310 957 3370
Mobile: +1 310 709 0433
Fax: +1 310 496 2873

March 23, 2010

Rob McKenna
Attorney General of Washington
Consumer Protection Division
800 Fifth Avenue Suite 2000
Seattle, WA 98104
(206) 464-6686

RECEIVED
MAR 30 2010

CONSUMER PROTECTION DIVISION
SEATTLE



LOS ANGELES

6601 Center Drive W Suite 700
Los Angeles, CA 90045
P: +1 310 957 3300
F: +1 310 861 1140

Re: Consumer complaint by [REDACTED] / File # 361669 *A*

[REDACTED]
Wireless number: [REDACTED]
Day phone number: [REDACTED]

Dear Sir/Madam:

Mobile Messenger is a premium text message service that is initiated through various websites. This is a multi step process that begins with the customer entering his/her mobile number into the website, when the number is submitted a PIN number is sent to their mobile handset. The customer must then enter the PIN number into the website and click on the terms and conditions. Once all steps are completed the customer is subscribed and sent a text message confirming subscription, informing the customer how to end services by simply texting the word "stop" to the short code provided, and charging the customer the fee that was approved upon checking the terms and condition box. Depending upon the service the customer is charged on a weekly or monthly basis until "stop" is submitted or the customer contacts us and asks to be unsubscribed.

Our records indicate that the premium text message service was initiated via mobile number [REDACTED] and its corresponding subscription charge was incurred accordingly on her wireless account as she stated on her complaint. Therefore, we contacted Ms. [REDACTED] today and issued a refund in the form of check for an amount of \$19.98, which will be delivered to the mailing address as shown on this response within the next 10-14 business days. Ms. [REDACTED] has been informed of this resolution and is satisfied with our call.

Should you have any questions or concerns, please feel free to contact me.

Kind Regards,

David Yoon

Director of Customer Care

Work: +1 310 957 3370
Mobile: +1 310 709 0433
Fax: +1 310 496 2873

EXHIBIT 17

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED] state as follows:

1. I am over 18 years old and reside in Yakima, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be place on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED] 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.
5

6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 1st day of September, 2014.
9

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

EXHIBIT 18

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Kent, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

DECLARATION OF [REDACTED] - 1
CASE NO. 2:13-CV-00354 TSZ

TERRELL MARSHALL DAUDT & WILLIAMS P.L.L.C.
938 North 34th Street, Suite 300
Seattle, Washington 98103-8689
TEL. 206.918.6803 • FAX 206.350.3528
www.tmdwlaw.com

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 29 day of September, 2014 at Kent, Washington.

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EXHIBIT 19

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Spokane Valley, WA. I have personal
knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on my
cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse
auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.
5

6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 12th day of September, 2014.
9

10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

EXHIBIT 20

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]

I, [REDACTED] state as follows:

1. I am over 18 years old and reside in Seattle, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 30 day of September, 2014 at Seattle, Washington.

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

EXHIBIT 21

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Cheney, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED] : 1
No. 2:13-cv-00354 TSZ

5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have listed my cellphone number as one of the numbers on which they placed charges for third-party goods or services.

6. Any such charges were unauthorized.

I declare under penalty of perjury under the laws of the United States and the state of Washington that the foregoing is true and correct.

EXECUTED this 17 day of September, 2014.

(Signature)

EXHIBIT 22

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]
[REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Tenino, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper,
reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

1 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
2 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
3 charges for third-party goods or services.

4 6. Any such charges were unauthorized.

5 I declare under penalty of perjury under the laws of the United States that the foregoing
6 is true and correct.

7 Executed this 15th day of September, 2014 at Tenino, Washington.
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EXHIBIT 23

HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,
Defendants.

NO. 2:13-cv-00354 TSZ

DECLARATION OF [REDACTED]
[REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Auburn, Washington. I have personal
knowledge of the facts set forth in this declaration.

2. Since at least January 2011, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on
the bill related to my cellphone number for third-party goods or services, including ringtones,
text alerts, wallpaper, reverse auction games, or coupons.

4. On at least two occasions, I identified unauthorized third-party charges on my
cellphone in the amount of approximately \$9.99 per charge. I contacted my cellphone carrier
and alerted the representative to the unauthorized third-party charges on my bill. The

1 representative informed me that the carrier would refund my account. However, the refunds
2 did not post to my account for several months.

3 5. I understand the Defendants in this case, M-Qube, Inc. and Mobile Messenger
4 Americas, Inc., have listed my cellphone number as one of the numbers on which they placed
5 charges for third-party goods or services.

6 6. Any such charges were unauthorized.

7 I declare under penalty of perjury under the laws of the United States that the foregoing
8 is true and correct.

9 Executed this 15 day of October, 2014 at Auburn, Washington.

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EXHIBIT 24

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Colbert, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED]: 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.

5
6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 25 day of September, 2014.

9
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

EXHIBIT 25

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Goldendale, WA. I have personal knowledge
of the facts set forth in this Declaration.

2. From 2011 to 2013, my family's cellphone number has been [REDACTED]

3. To the best of my recollection, I have never authorized charges to be placed on my
cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse
auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone
bill.

DECLARATION OF [REDACTED]
No. 2:13-cv-00354 TSZ

1

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.

5
6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 30 day of September, 2014.

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EXHIBIT 26

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD A. GEIER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

M-QUBE, INC.; MOBILE MESSENGER
AMERICAS, INC., d/b/a MOBILE
MESSENGER; and JOHN DOES 1-20,

Defendants.

No. 2:13-cv-00354

DECLARATION OF [REDACTED]

I, [REDACTED], state as follows:

1. I am over 18 years old and reside in Chatteroy, WA. I have personal knowledge of the facts set forth in this Declaration.

2. From 2011 to 2013, my cellphone number has been [REDACTED].

3. To the best of my recollection, I have never authorized charges to be placed on my cellphone bill for third-party goods or services, including ringtones, text alerts, wallpaper, reverse auction games, or coupons.

4. Until recently, I was unaware that such charges could be placed on my cellphone bill.

DECLARATION OF [REDACTED] : 1
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966

1 5. I understand the Defendant in this case, M-Qube, Inc. and Mobile Messenger, have
2 listed my cellphone number as one of the numbers on which they placed charges for third-party
3 goods or services.

4 6. Any such charges were unauthorized.

5
6 I declare under penalty of perjury under the laws of the United States and the state of
7 Washington that the foregoing is true and correct.

8 EXECUTED this 13 day of October, 2014.

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10 [REDACTED]
11 (Signature)
12 [REDACTED]
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DECLARATION OF [REDACTED] : 2
No. 2:13-cv-00354 TSZ

LAW OFFICES
THE SCOTT LAW GROUP
A PROFESSIONAL SERVICE CORPORATION
926 W. SPRAGUE AVENUE
SUITE 680
SPOKANE, WA 99201
(509) 455-3966